

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI  
ASSOCIATE DIVISION**

KEVIN DRISKELL,	)	
	)	
Plaintiff,	)	
	)	Cause No
v.	)	
	)	Division
COMPLETE PAYMENT RECOVERY	)	
SERVICES, INC.	)	
	)	
Serve at:	)	
CT Corporation System	)	
120 South Central Avenue	)	
Clayton, MO 63105	)	
	)	
Defendant.	)	<b>JURY TRIAL DEMANDED</b>

**PETITION**

COMES NOW Plaintiff Kevin Driskell (“Plaintiff”), by and through his undersigned counsel, and for his Petition against Complete Payment Recovery Services, Inc. (“CPRS”) states as follows:

**INTRODUCTION**

1. This is an action for actual and statutory damages brought to the Court by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

### **JURISDICTION**

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant's collection activity was directed to Plaintiff at his residence in St. Louis County, Missouri.

4. Jurisdiction is also proper in this Court because Defendant harmed Plaintiff in St. Louis County, Missouri as described herein.

5. Venue is also proper in St. Louis County, Missouri for these reason.

### **PARTIES**

6. Plaintiff is a natural person currently residing in St. Louis County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA.

7. The alleged debt Plaintiff owes arises out of consumer, family, and household transaction. Specifically, the alleged debt arose from Plaintiff allegedly issuing a personal check for consumer, family, and household goods to Shop N' Save in the amount of \$114.16.

8. Plaintiff disputes the debt in its entirety because he does not recall ever writing such a check to Shop N' Save.

9. Defendant Complete Payment Recovery Services, Inc. ("CPRS") is an entity with its principal place of business located in Florida.

10. The principal business purpose of CPRS is the collection of debts nationwide and in Missouri; CPRS regularly attempts to collect debts alleged to be due to another entity.

11. CPRS is engaged in the collection of debts from consumers through means of using mail and telephone. CPRS is a “debt collector” as defined by the FDCPA. 15 U.S.C. § 1692a(6).

### **FACTS**

12. CPRS’ collection activity occurred within the previous twelve (12) months.

13. On or about September 21, 2017, CPRS sent Plaintiff an initial collection letter. The letter stated that Plaintiff had 30 days from the receipt of the letter to notify CPRS that he disputed “the validity of this debt or any portion thereof[.]”

14. The letter also stated CPRS was attempting to collect the debt for an unpaid personal check he allegedly issued to Shop N’ Save in the amount of \$114.16. The total amount due was \$139.16, which included a \$25 “check fee.”

15. Finally, the letter indicated that CPRS had already reported the insufficient funds check to a national database, and it was damaging Plaintiff’s credit such that Plaintiff’s “check writing privileges” were revoked and would remain revoked until he paid the debt.

16. This statement, by itself, directly contradicted and overshadowed Plaintiff’s dispute rights pursuant to Section 1692g.

17. This statement was also a false and misleading statement in connection with the collection of a debt.

18. On or around October 6, 2017, after receiving the letter from CPRS, Plaintiff called CPRS on the telephone to inquire about the alleged debt.

19. CPRS stated that the debt arose from a returned personal check issued by Plaintiff in the amount of \$114.16.

20. Plaintiff told CPRS that he did not recall issuing a check in that amount to Shop N' Save and would have to investigate the matter.

21. CPRS told Plaintiff that the payment of the debt was due that day.

22. This statement was false. As set forth in CPRS' September 21, 2017 letter, Plaintiff had 30 days to dispute the validity of the alleged debt or any portion thereof.

23. CPRS' conduct in the phone call and the letter overshadowed Plaintiff's right to dispute the validity of the alleged debt within the statutory 30-day dispute period.

24. As a result of CPRS' conduct above, Plaintiff felt threatened and frustrated and knew that CPRS was refusing to honor Plaintiff's right to dispute the debt pursuant to Section 1692g.

25. Specifically, CPRS' threats about the revocation of Plaintiff's check writing privileges, and its demands that Plaintiff must pay the debt that day, caused Plaintiff to believe that CPRS would not honor his bona-fide dispute of the debt.

26. CPRS' conduct forced Plaintiff to hire and become indebted to an attorney for purposes of dealing with CPRS in order to prevent the debt from harming his credit and to prevent further collection efforts.

27. CPRS harassed and oppressed Plaintiff without cause; Plaintiff suffered mental anguish, stress, and agitation as a result.

28. Furthermore, CPRS' above-described conduct caused Plaintiff to suffer the following additional injuries in fact:

- a. Plaintiff has been deprived of his statutory right to dispute the debt. CPRS overshadowed Plaintiff's dispute rights by demanding payment within the 30-day dispute period; and
- b. Plaintiff has been deprived of his statutory right to receive truthful information about the amount of the debt and about the database reporting associated with the check.

29. The injuries in fact are fairly traceable to the challenged actions of CPRS, in that CPRS engaged in the telephone conversation with Plaintiff and sent the letter to Plaintiff.

30. Plaintiff's injuries, in fact, are likely to be redressed by a favorable decision in this Court.

#### **COUNT I: VIOLATION OF THE FDCPA**

31. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

32. In its attempts to collect the alleged debt from Plaintiff, CPRS committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

a. CPRS' demands for payment within the dispute period and threats of other collection activity, like the suspension of Plaintiff's check writing privileges until he paid the debt, overshadowed and conflicted with Plaintiff's rights to dispute the debt. See 15 U.S.C. § 1692g;

b. Falsely representing the character, amount, or legal status of the alleged debt; specifically, CPRS represented that the debt was not the type of debt that Plaintiff could dispute, and CPRS misrepresented its database reporting relevant to the check. See 15 U.S.C. §1692e; and

c. Harassing Plaintiff by demanding payment of the debt within the 30-day dispute period in order to unjustly coerce immediate payment of the debt. See 15 U.S.C. § 1692d.

d. Using unfair practices and/or means in attempting to collect an alleged debt from Plaintiff by demanding payment of the debt within the 30-day dispute period and by misrepresenting the status of Plaintiff's check writing privileges. See 15 U.S.C. § 1692f.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against CPRS for:

- A. Judgment that CPRS's conduct violated the FDCPA;
- B. Actual damages in an amount to be determined by the jury;
- C. Statutory damages, costs, and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

**Ross & Voytas, LLC**

/s/ Richard A. Voytas, Jr.

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Richard A. Voytas, Jr, #52046  
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Nathan E. Ross, #51166  
nate@rossvoytas.com  
Ethan W. Gee, #70075  
ethan@rossvoytas.com  
12444 Powerscourt Drive, Ste 370  
St. Louis, MO 63131  
Phone: (314) 394-0605  
Fax: (636) 333-1212

Attorneys for Plaintiff

In the  
**CIRCUIT COURT**  
 Of St. Louis County, Missouri



For File Stamp Only

KEVIN DRISKELL  
 Plaintiff/Petitioner

December 29, 2017  
 Date

vs.

COMPLETE PAYMENT RECOVERY SERVICES, INC.  
 Defendant/Respondent

Case Number \_\_\_\_\_  
 Division \_\_\_\_\_

## REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant

Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Mark Effinger, Associated Research Services, LLC, 109 Walnut, #785, Festus, MO 63028 T: 314-713-1053  
 Name of Process Server Address Telephone

Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

## SERVE:

CT Corporation System  
 Name  
120 South Central Avenue  
 Address  
Clayton, MO 63105  
 City/State/Zip

## SERVE:

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

Appointed as requested:

**JOAN M. GILMER**, Circuit Clerk

By \_\_\_\_\_  
 Deputy Clerk

\_\_\_\_\_ Date

## SERVE:

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

## SERVE:

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

/s/ Richard A. Voytas, Jr.  
 Signature of Attorney/Plaintiff/Petitioner  
52046  
 Bar No.  
12444 Powerscourt Drive, Suite 370, St. Louis, MO 63131  
 Address  
(314) 394-0605 (636) 333-1212  
 Phone No. Fax No.

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Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

Appointed as requested:

**JOAN M. GILMER**, Circuit Clerk

By /s/Telisha Braselman  
 Deputy Clerk

01-08-2018

Date

SERVE:

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

SERVE:

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City/State/Zip \_\_\_\_\_

/s/ Richard A. Voytas, Jr.  
 Signature of Attorney/Plaintiff/Petitioner  
52046  
 Bar No.  
12444 Powerscourt Drive, Suite 370, St. Louis, MO 63131  
 Address  
(314) 394-0605 (636) 333-1212  
 Phone No. Fax No.





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN ROBERT LASATER	Case Number: 18SL-AC00134
Plaintiff/Petitioner: KEVIN DRISKELL	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS Jr. 12444 POWERSCOURT DRIVE SUITE 370 ST LOUIS, MO 63131 (314) 394-0605
Defendant/Respondent: COMPLETE PAYMENT RECOVERY SERVICES, INC	Date, Time and Location of Court Appearance: <b>07-FEB-2018, 09:00 AM</b> <b>RM. 288 NORTH, DIV 38W</b> <b>ST LOUIS COUNTY COURT BUILDING</b> <b>105 SOUTH CENTRAL AVENUE</b> <b>CLAYTON, MO 63105</b>
Nature of Suit: AC Other Tort	

(Date File Stamp)

## Associate Division Summons

The State of Missouri to: COMPLETE PAYMENT RECOVERY SERVICES, INC

Alias:

120 SOUTH CENTRAL AVE  
CT CORPORATION SYSTEM  
ST. LOUIS, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

01-08-2018

Date

  
Clerk

Further Information:

TB

## Sheriff's or Server's Return

**Note to serving officer:** Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name ) \_\_\_\_\_ (title).
- ☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

## Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **AFFIDAVIT OF RETURN OF SERVICE**

**IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI**

### **ASSOCIATE DIVISION SUMMONS**

**PLAINTIFF(S)/PETITIONER:**

**KEVIN DRISKELL**

**VS.**

**DEFENDANT(S)**

**COMPLETE PAYMENT RECOVERY SERVICES, INC**

**CASE NUMBER: 18SL-AC00134**

**SERVE: COMPLETE PAYMENT RECOVERY SERVICES, INC**

**120 SOUTH CENTRAL AVE., STE., 400**

**ST. LOUIS, MISSOURI 63131**

Mark Effinger, of Associated Research Services, LLC, being first duly sworn upon his oath, states that he is over the age of 18 years old; that he is a disinterested party to this action, has served an original copy of the attached ASSOCIATE DIVISION SUMMONS on BONNIE LOVE, Intake Specialist at CT CORPORATION accepting for COMPLETE PAYMENT RECOVERY SERVICES, INC at 120 SOUTH CENTRAL AVE., Ste., 400 CLAYTON, Missouri, 63105. Service was executed on JANUARY 9, 2018 at 2:07 PM.

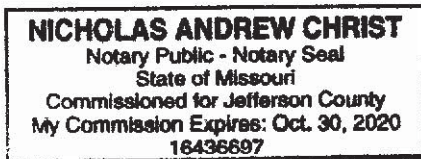
By: Mark Effinger

Mark Effinger, Missouri License Number: 604  
Associated Research Services, LLC

Subscribed and sworn before me, a Notary Public, this 11 day of January 2018.

Notary Public Nicholas Andrew Christ

My commission expires 10-30-2020





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN ROBERT LASATER	Case Number: 18SL-AC00134
Plaintiff/Petitioner: KEVIN DRISKELL	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS Jr. 12444 POWERS COURT DRIVE SUITE 370 ST LOUIS, MO 63131 (314) 394-0605
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ST. LOUIS, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

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01-08-2018

Date

Further Information:  
TB

*James P. Shilling*  
Clerk

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☒ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with BONNIE LOVE (INTAKE SPE) person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at 120 SOUTH CENTRAL AVE, SUITE 400 CLAYTON, MO 63105 (address)

in ST. LOUIS COUNTY (County/City of St. Louis), MO, on 1-9-18 (date) at 2:07 PM (time).

MARK EFFINGER  
Printed Name of Sheriff or Server

Mark Effinger #604  
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on January 11, 2018 (date).

My commission expires: 10-30-2020 Date

Will A. Christ  
Notary Public

## Sheriff's Fees, if applicable

Summons \$ 75.00

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_

Total \$ 75.00

0 miles @ \$ 0 per mile)

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

**NICHOLAS ANDREW CHRIST**  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Jefferson County  
My Commission Expires: Oct. 30, 2020  
16438697